

MINUTES OF COUNCIL MEETING  
CITY OF UNIVERSITY HEIGHTS  
MAY 4, 2009

Mayor Rothschild called the meeting to order at 7:30 p.m.

Roll Call: Present: Mrs. Adele H. Zucker  
Ms. Frankie B. Goldberg  
Mr. Steven D. Bullock  
Mr. Peter R. Bernardo  
Mr. Kevin Patrick Murphy  
Mr. Frank Consolo  
Mr. Steven Sims

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth Fisher  
Finance Director Arman R. Ochoa  
Chief of Police Gary Stehlik  
Fire Chief John Pitchler  
Community Coordinator Walter Stinson  
Service Director Christopher Vild  
Building Commissioner David Menn  
City Engineer Joseph R. Ciuni

A moment of silence was held in memory of the late Sabina Berman, who was the 2006 University Heights Citizen of the Year and a founding member of the Cleveland Women's Orchestra. The moment of silence was also held in memory of Donald and Virginia Myers, who lost their lives in the tragic house fire on Tyndall Road.

Minutes of the regular meeting held on April 20 , 2009

There were no corrections or additions to the minutes of April 20, 2009.

**MOTION BY MRS. ZUCKER, SECONDED BY MS. GOLDBERG to approve the minutes of the April 20, 2009 meeting. On roll call, all voted "aye."**

Comments from the Audience

Mark Jones, 2604 Ashurst Road, inquired into the status of the house at 2603 Ashurst Road. Law Director Kenneth J. Fisher responded that the large judgment lien on the property has been satisfied. He added there is still \$6,600 owed in back taxes, which he is negotiating to get paid. He noted that there is a desire on the part of Councilman Sims to see the house rehabilitated instead of demolished, which is being addressed by Building Commissioner David Menn. Mr. Fisher noted that there should be some movement on the matter by the next Council meeting of May 18, 2009.

Mr. Jones inquired if the determination to demolish the house or rehabilitate it will be made by the Building Department or if the decision will be made by an outside source. Mayor Rothschild replied that the City Engineer will also assist in determining if the dwelling is structurally sound. Mr. Jones stated that the neighbors would prefer a properly maintained home and not an empty lot in the neighborhood. Mr. Fisher noted that the Building Commissioner has been in contact with non-profit housing organizations which may be interested in rehabilitating the home if it is structurally sound. Councilman Sims pointed out that he would not want an empty lot in the neighborhood either. Also, he would prefer that the property remain a viable tax generating property for the City of University Heights.

Carolyn Solis, 2595 Ashurst Road, mentioned that a former housing inspector told her many years ago that the house was not worth rehabilitating. She mentioned that Mrs. Harbourt, the owner of the house in question, is now living in the Cleveland area. The rumor that the City was going to raze the house and use the property as a parking lot was cleared up as false. Mrs. Solis stated that she would rather see a garden on the lot than a dilapidated structure.

Kate Uhlir, 2448 Fenwick Road, commented that the Council has spent upwards of \$41,000 on studies in order to save the City money, such as \$5,000 for the Charter Review Commission (CRC), \$25,000 for an efficiency study, \$10,000 for a rubbish study, a needs study, etc. She added that there may also be an additional costs for regionalization. Ms. Uhlir noted that the expenditures do not seem like a practical way to save money.

Nathaniel and Sarah Wilder, 3706 Meadowbrook Blvd., presented written comments, which Dr. Wilder read. The Wilders requested that the Council delay placing the proposed amendments to the University Heights Charter on the ballot until 2010 or 2011. They pointed out that the delay would provide ample opportunity to schedule open forums for the Council to educate the public on how the proposed changes would benefit the City and the residents. Prior to the forums, they suggested that written documentation be presented to the residents showing evidence to verify the reasons for the proposed changes and the rationale behind proposing an elected part-time Mayor and a Council appointed City Administrator. They further suggested that the cost of the proposed changes also be submitted. They encouraged everyone to pull together in a spirit of cooperation and respect.

Dr. Wilder inquired as to what action would be necessary in order to enact the recommendation to delay placing the Charter amendments on the ballot. Mr. Fisher explained that the Council would have to change the ordinance which established the Charter Review Commission in setting forth the duties and responsibility of the CRC.

Susan Infeld, 3906 Tyndall Road, expressed sincere appreciation on behalf of herself and her neighbors to the Police and Fire personnel who responded to the house fire on Tyndall Road. She noted that the residents saw professionalism and were comforted by both the police officers and firefighters on the scene. The first responders were given a round of applause. Councilman Bernardo added that firefighters performed an act of personal bravery when two (2) firemen hosed down the stairwell while two (2) other firemen went upstairs to rescue Mr. and Mrs. Myers. He stated that the men should be commended.

Linda Johnson, 2604 Ashurst Road, asked for clarification on what will take place in two weeks with regard to the Harbourt property at 2603 Ashurst Road. Mr. Fisher replied that at the next Council meeting the ordinance authorizing a quit-claim deed to the property will go back on the Council's agenda for second reading if all matters have been cleared up and the Mayor and Council are in agreement on moving forward. Ms. Johnson also asked that if the deed is accepted will a determination be made at the same time with respect to demolition or rehabilitating the property. Mr. Fisher stated that if the deed is accepted, the City should know what it intends to do with the property. Ms. Johnson pointed out that the neighbors who signed the petition want the house demolished. Mr. Fisher explained that before any house is razed a procedure must be followed. Mayor Rothschild stated that everything may not be settled by the next meeting on May 18, 2009 because the City has to gain access to the inside of the house to determine the structural condition. Mayor Rothschild also favored demolition.

Mrs. Solis mentioned that there have been contractors at the house who indicated they were examining the house in order to submit bids to the City for the purpose of rehabing the outside of the house. Mr. Fisher stated that Council has not authorized any work at the house. Building Commissioner David Menn stated that he made some inquiries, but he has not given the address to anyone. He added that one non-profit organization he spoke with had no interest. Mayor Rothschild stated that if there are people lurking around the property, the police should be called. Ms. Solis mentioned that she had the name and phone number of a man who was interested in setting up a non-profit organization and rehabilitate the house, but he ran into problems with the deed. She will forward that information to the Mayor.

Reports and Communications from the Mayor and the taking of action:

Mayor Rothschild yielded the floor to Fire Chief John Pitchler to report on the house fire at 3897 Tyndall Road. Fire Chief John Pitchler reported that the initial fire call came in at 6:27 a.m. and it took 4 minutes and 45 seconds to get to the scene. The dispatch center dropped a second alarm which automatically brings Cleveland Heights with an engine company, South Euclid with a ladder company, Shaker Heights with an engine company, Beachwood with a squad and Lyndhurst. Chief Pitchler stated that all their initial efforts were focused on rescuing the two (2) residents trapped inside the house. The first University Heights crew went in to protect the stairwell and tried to extinguish the fire on the first floor while the other men went to the second floor to rescue the residents. Chief Pitchler stated that the State Fire Marshall has inspected the scene and ruled the fire accidental, but the origin of the fire is still under investigation. State Farm insurance will also perform and investigation. One University Heights firefighter was transported to the hospital for a minor injury.

Mr. Consolo inquired as to how long it took other companies to arrive on the scene. Chief Pitchler replied that Shaker Heights arrived 1 minute and 27 seconds after University Heights had arrived and then Cleveland Heights arrived 7 minutes and 38 minutes later.

Agenda Items:

- A. Motion to approve use of JCU's Shula Stadium for a high school football game between Cleveland St. Ignatius and Cincinnati St. Xavier on Saturday, October 24, 2009 from approximately 2:00pm – 5:00pm and to approve extending the stadium light curfew on October 24, 2009 to 9:30pm**

Present representing John Carroll University (JCU) were Dora Pruce, Director of Government and Community Relations, Carol Dietz, associate vice president of Facilities, Laurie Massa, senior director of Athletics, and Tim Peppard, director of Campus Safety. Ms. Pruce requested approval to use of JCU's Don Shula Stadium for a high school football game between Cleveland St. Ignatius and Cincinnati St. Xavier on Saturday, October 24, 2009 from approximately 2:00pm – 5:00pm and to approve extending the stadium light curfew on the same day to 9:30pm to allow for a women's soccer game.

Ms. Pruce stated that if the game is approved, JCU will enter into a contract with both schools and any special conditions of use will be included in the contract. She noted that the maximum capacity of the stadium is 5,000 people. With regard to parking, the students will be instructed to move their cars off campus the night before. Ms. Pruce requested that the on-street parking restrictions be relaxed the day of the game. She also stated that the number of police officers will be utilized as the Police Chief and campus safety director recommends. The cost for those officers will be covered in the contract with the schools. Ms. Pruce mentioned that JCU understands the game will be on the Sabbath and the university will communicate with the neighbors surrounding the university in advance of the game through a quarterly newsletter.

Ms. Goldberg stated that she received several complaints regarding the Relay for Life concert. She mentioned that the City did not approve the concert and that the terms of the agreement should be complied with at all times. Ms. Pruce explained that the concert was not in the stadium; however, she feels the same sound decibel levels should be followed throughout the campus. She will work with the program coordinator next year.

Vice Mayor Zucker inquired if Ms. Pruce agreed with the editorial against the City of University Heights in the student newspaper. Ms. Pruce did not agree and noted that the editorial was one student's opinion.

Mayor Rothschild inquired into the need for extending the lights until 9:30 pm. Ms. Pruce responded the lights will be used for women's soccer game which will utilize low level lights and have a small attendance. She added that the game will be relatively quiet.

Vice Mayor Zucker noted that past requests have come through the administration office, and she inquired if future requests will go directly to the Council Committee on University Affairs. Ms. Pruce deferred to the City. Mayor Rothschild suggested that both she and the Council be notified. Councilman Consolo stated that when he was notified he immediately notified the Mayor and requested that she secure information from the Chief of Police and the Community Coordinator.

Mr. Consolo stated that he feels the event would be an excellent opportunity to promote the local businesses. He also suggested that Cedar Center be used for additional parking with a shuttle running that day. Mayor Rothschild noted that use of the Cedar Center parking lot would have to be approved by Peter Rubin of the Coral Company. It was noted that the JCU annex building site (former Temple Emanu El) will most likely be used for student parking. Chief Stehlik noted that the permit parking will be relaxed on the streets surrounding the university, but no parking areas will be enforced.

Ms. Goldberg inquired if the City will incur any overtime costs for the police officers. Chief Stehlik replied no, four to six off duty officers will be hired to work the game and more will be used if needed.

Mr. Bullock stated that an event of this magnitude may pose some challenges, but there are several positives as long as it is planned well, implemented and managed well.

**MOTION BY MR. CONSOLO, SECONDED BY MR. BULLOCK to approve use of JCU's Shula Stadium for a high school football game between Cleveland St. Ignatius and Cincinnati St. Xavier on Saturday, October 24, 2009 from approximately 2:00pm – 5:00pm and to approve extending the stadium light curfew on October 24, 2009 to 9:30pm. On roll call, all voted "aye," except Mr. Bernardo, who "abstained."**

**B. Motion authorizing an upgrade of the Fire Department's HeartMonitor/Defibrilators**

Chief Pitchler reported that the Safety Committee approved an upgrade of the Fire Department's two (2) HeartMonitor/Defibrilators to NIBP (Blood Pressure) and SpO2 (Pulse Oximetry) capabilities. He noted that the upgrade can only be performed by the manufacturer, Physio-Control, at a cost of \$9,127.26. Mr. Bullock stated that the Safety Committee recommended the upgrade at a joint meeting with the Finance Committee and the Service and Utilities Committee.

**MOTION BY MR. BULLOCK, SECONDED BY MRS. ZUCKER to authorize an upgrade to the Fire Department's two (2) HeartMonitor/Defibrilators by Physio-Control, Inc. in the amount of \$9,127.26. On roll call, all voted "aye."**

**C. Motion to advertise for bids for the University Parkway Roadway Reconstruction**

City Engineer Joseph Ciuni reported that the University Parkway Roadway Reconstruction Project was discussed at the Finance Committee meeting. The project will encompass all of University Parkway from Bromley Road to Green Road and is estimated to cost \$850,000. Mr. Ciuni stated that the plans are ready and recommended that the City advertise for bids.

**MOTION BY MR. SIMS, SECONDED BY MR. CONSOLO to advertise for bids for the University Parkway Roadway Reconstruction Project. On roll call, all voted "aye."**

**D. Ordinance No. 2009-21 To award the bid for the Groveland Road and Saybrook Road Waterline Replacement**

Ordinance No. 2009-21 awards the bid for the Groveland Road and Saybrook Road Waterline Replacement Project to the lowest and /or best bidder, Fabrizi Trucking & Paving Company, Inc., an amount not to exceed \$842,051.90. Mr. Ciuni recommended that the bid be awarded.

**MOTION BY MRS. ZUCKER, SECONDED BY MR. BULLOCK to approve the passage of Ordinance No. 2009-21 as an emergency measure. On roll call, on suspension of rules, all voted "aye." On roll call, on passage, all voted "aye."**

**E. Ordinance No. 2009-22 Amending Section 1244.05 (a) of the Codified Ordinances by amending the filing fee for Board of Zoning Appeals applications (1<sup>st</sup> Reading)**

Ordinance No. 2009-22 amends Section 1244.05 of the Codified Ordinances by amending the filing fee of the Board of Zoning Appeals applications from \$40 to \$50.

**Ordinance No. 2009-22 was placed on first reading. There were no objections.**

**F. Ordinance No. 2009-23 Amending Section 1422.05 of the Codified Ordinances by amending the amount of contractor registration fees (1<sup>st</sup> Reading)**

Ordinance No. 2009-23 amends Section 1422.05 of the Codified Ordinances by amending the amount of the contractor registration fees from \$75 to \$100 for the initial inspection, for commencing work without a permit and for annual renewal.

**Ordinance No. 2009-23 was placed on first reading. There were no objections.**

**G. Ordinance No. 2009-24 Amending Section 1424.08 of the Codified Ordinances by amending the amount of the reinspection fee (1<sup>st</sup> Reading)**

Ordinance No. 2009-24 amends Section 1424.08 of the Codified Ordinances by amending the amount of the reinspection fees from \$20 to \$100 after the second failed inspection.

**Ordinance No. 2009-24 was placed on first reading. There were no objections.**

**H. Ordinance No. 2009-25 Amending Section 1424.09 of the Codified Ordinances by amending the amount of fees for point of sale inspections and roomer inspections (1<sup>st</sup> Reading)**

Ordinance No. 2009-25 amends Section 1424.09(a)(1) of the Codified Ordinances by amending the amount of the fees for point of sale inspections from \$75 to \$100 for a single-family home, from \$125 to \$150 for a two-family home, and from \$150 to \$175 for a three-family home.

The ordinance also amends 1424.09(d) of the Codified Ordinances by amending the fee for initial roomer permit inspections and renewals from \$75 to \$300 for a single-family home, from \$125 to \$400 for a two-family home, and from \$150 for a three-family home to \$100 for a third floor rental unit.

**Ordinance No. 2009-25 was placed on first reading. There were no objections.**

**I. Resolution No. 2009-26 Adopting an Identity Theft Policy**

Resolution No. 2009-26 adopts an Identity Theft Policy for the City of University Heights. Mr. Fisher stated that the Federal Fair and Accurate Credit Transaction Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection. The rules which were extended from May 1, 2009 to August 1, 2009 requires municipal utilities and other departments to implement an identity theft program. Mayor Rothschild recommended that the resolution be passed and it can be amended later, if needed. Mr. Fisher stated that the model ordinance from the federal government was used in drafting the legislation and there is no down side to the ordinance. He added that this is an internal policy for City employees.

Mr. Ochoa stated that the City does not make credit card transactions, however, it does accept personal checks. He noted that when people request documents from personnel files, the employee may be present when the file is inspected. He added that personal tax identification numbers are redacted from the records.

Mr. Bernardo asked if the staff is ready to comply with policy. Mr. Consolo suggested that the resolution be tabled for further review.

**MOTION BY MR. CONSOLO, SECONDED BY MRS. ZUCKER to table Resolution No. 2009-26. On roll call, all voted "aye."**

**J. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing personnel, litigation and real estate matters**

An executive session was not required.

Directors' Reports:

**Fire Chief Pitchler** reported that City Engineer Joseph Ciuni was at the Tyndall Road house fire with a structural engineer, who assisted with the stabilization of the third floor.

Chief Pitchler announced that the department will be flushing fire hydrants this week and next week. Notification calls will go out on the CityWatch communication system.

He also reported that the CERT Team will meet on May 12, 2009 at 7:00 p.m. at Wiley Middle School. He invited the officials to attend. The CERT Team will hold a drill on how to handle the Swine Flu in July with the Cities of South Euclid and Lyndhurst. The CERT Team members will also march in the Memorial Day Parade. Mayor Rothschild mentioned that Cuyahoga County is very prepared to deal with the Swine Flu.

Mr. Sims commended Chief Pitchler and his department for their excellent work and professionalism at the Tyndall Road fire. He stated that anyone watching their efforts gained confidence in the department.

**Service Director** Christopher Vild reported that the City hosted a rain barrel workshop on Saturday, May 2, 2009 which was attended by 21 residents. Mr. Vild mentioned that the residents learned about rain barrels, storm water and local water sheds. The workshop was video taped for the City's cable TV program. Mr. Vild also reported that the Storm Water Management Committee will have a table at the Memorial Day Parade and will be joined by Wally the Rain Drop.

**Building Commissioner** David Menn reported that several new businesses are opening in the city. A new Kosher grocery store is going in at University Corners. Also, Radio Shack and Dollar Tree are going in Cedar Center.

Mr. Menn also reported that the department started issuing grass notices. They are now using yellow door hangers to notify the residents.

Mayor Rothschild stated that it is important for Council to consider amending the Zoning Code.

**Community Coordinator** Walter Stinson reported that the Heights-Hillcrest Regional Chamber of Commerce will hold its annual Business Expo on Tuesday, May 5, 2009 at Landerhaven from 3pm to 7pm. He will share a table with the City of South Euclid.

Mr. Stinson also announced that the Induction Ceremony for the Heights High Hall of Fame will be held at Landerhaven on Thursday, May 7, 2009.

Committee Reports:

**Building Committee** Chairman Peter R. Bernardo requested a Committee of the Whole meeting to discuss rental permits for apartments. The meeting will be scheduled. The following items were removed from the committee's agenda: rental fee rollback, family affidavit, and "for rent" and "vacancy" signs.

**Civic Information Committee** Chairman Frank Consolo did not have a report, but the following item was removed from the committee's agenda: keep city abreast on West Nile Virus and possible pandemic flu.

**Finance Committee** Chairman Steven Sims reported that the committee met on April 29, 2009 and discussed the University Parkway Roadway Reconstruction which was before Council at this meeting.

**Governmental Affairs Committee** Chairman Kevin Patrick Murphy reported that a meeting was held on April 30, 2009 at John Carroll University which several of our Council members attended. The meeting went well and was a start for a series of meetings with Councilpersons from neighboring communities. The following items were removed from the committee's agenda: Civility Project and Call for Action Program sponsored by the Fund for Our Economic Future.

**Service and Utilities Committee** Chairman Adele H. Zucker did not have a report, but the following item was removed from the committee's agenda: incentive - free special pick-up coupon for using kraft bags for leaves.

There being no further business to discuss, the meeting was adjourned.

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Mayor Beryl E. Rothschild

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Nancy E. English, Clerk of Council